

**Notice of Allowability**

Application No.

10/614,924

Applicant(s)

RADULESCU, ROBERT

Examiner

Steven D. Maki

Art Unit

1791

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9-19-07.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>101007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|  | 9. <input checked="" type="checkbox"/> Other <u>CORRECTED PTO892</u> .                                     |

### Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 11:

line 1 change "claim 1" to --claim 9--.

2) Authorization for this examiner's amendment was given in a telephone interview with Alan Kopecki on October 10, 2007.

### Reasons for Allowance

3) The following is an examiner's statement of reasons for allowance:

Upon reconsideration and in light of figure 2 and figure 3, examiner agrees that the subject matter of "each incision, from its second point to its first point, has a generally concave side and a generally convex side" is reasonably conveyed by the original disclosure and the 112 first paragraph rejection set forth in the last office action is withdrawn.

Claims 1 and 9 require edge ribs and intermediate ribs. Europe 104 (EP 810104) mentions ribs at column 6 lines 6-13, but is primarily directed to maintaining the cutting power of sipes in blocks of a winter tread instead of addressing the problem of both reducing irregular wear and preventing increase of overall wear rate of edge ribs. Claims 1 and 9 also require V-shaped incisions oriented in the same direction. Europe 104 (EP 810104) and Sloman et al (US 2186180) fail to teach V-shaped incisions

("sipes") oriented in the same direction. Although V-shaped incisions are known per se as shown by Campana et al (US 5795415), the prior art fails to render obvious the further modification of Europe 104 to configure the sipes as V-shaped sipes oriented in the same direction. When considered as a whole, the prior art fails to render obvious "the intermediate ribs having a plurality of incisions, all incisions being V-shaped and oriented in the same direction" and "the angular relationship varying along the incision wherein the angular relationship in an outer tread region extending from the outer surface to a depth of one-third E is zero degrees, and the angular relationship in an inner tread region at a depth greater than one-third E being greater than the angular relationship in the outer tread region, wherein a radially innermost first point of each incision is located, relative to the indicated rolling direction of the tire, in front of a second point of the incision on the running surface of the tread when new, wherein each incision, from, its second point to its first point, has a generally concave side and a generally convex side, the generally concave side facing in the rolling direction" (emphasis added) wherein the tire includes "a visual indicator indicating the single rolling direction" **in combination with** the remaining subject matter of the steer axle tire for a heavy load of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

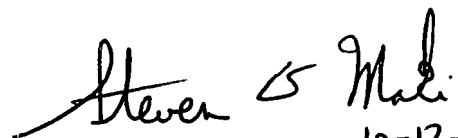
Art Unit: 1791

4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki  
October 12, 2007

  
STEVEN D. MAKI 10-12-07  
PRIMARY EXAMINER